

### **REMARKS**

Claims 1–44 are pending in the present application. Applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

#### **I. AMENDMENTS TO THE SPECIFICATION**

Paragraph [0060] has been amended to correct a reference number error. Specifically, the inner face was referred to by two different reference numerals—50 and 58—in the specification. Paragraph [0060] has been amended to change reference numeral 58 to 50 for the inner face to be consistent with the reference to the inner face 50 in paragraph [0057].

Paragraphs [0069] and [0071] have been amended to correct reference number errors. Specifically, the exterior side and the bracket were both assigned reference numeral 66. Paragraphs [0069] and [0071] have been amended to assign reference numeral 69 to the bracket.

No new matter has been added to the specification

#### **II. AMENDMENTS TO THE DRAWINGS**

Figure 10 has been amended to change the reference numeral for the inner face to 50 in accordance with the above amendments to the specification. A replacement drawing sheet is attached.

Figure 16 has been amended to change the reference numeral for the bracket to 69 in accordance with the above amendments to the specification. A replacement drawing sheet is attached.

### **III. CLAIM REJECTIONS**

#### **A. § 112 Rejections**

Claims 2, 4, 5, 7, 8, 31, and 32 are rejected under 35 U.S.C. § 112 as indefinite and have been amended to address these rejections.

Specifically, the Examiner notes that the preambles of dependent claims 2, 4, 5, 7, and 8 are drawn to the subcombination of the first housing, but the body of the claims present limitations directed to the second housing. Amended claim 1 includes language regarding the second housing ("second body") in the body of the claim to clarify that the second body is part of the claimed invention. Thus, claims 2, 4, 5, 7, and 8, which depend from claim 1, also include the second body as part of the claimed invention. Claims 2–8 have been amended accordingly to be consistent with the changes to claim 1. Accordingly, Applicants respectfully submit that the rejection of claims 2, 4, 5, 7, and 8 under § 112 is now obviated.

The Examiner notes that the preambles of claims 31 and 32 are drawn to the subcombination of the first housing, but the body of the claims present limitations directed to the lid and the lever. Claim 31 has been amended to include the lid in the body of the claim. Claim 32 has been amended to remove reference to the lever. Accordingly, Applicants respectfully submit that the rejection of claims 31 and 32 under § 112 is now obviated.

#### **B. § 102(b) Rejections**

Claims 10, 13–17, 20, 24 and 29–32 stand rejected as being anticipated by King, U.S. Patent No. 6,264,056. The rejection, as it may apply to the claims presented herein, is respectfully traversed.

The King patent generally discloses a tub box formed from two substantially identical plastic housing portions, each including one or more round knockouts 16 in one or more side walls and one or more edge flange knockouts 20. The round knockouts 16 are formed by frangible sections/grooves 22 and the edge flange

knockouts 20 are formed by additional frangible sections/grooves 23. The round knockouts can be removed using pull tabs 17.

As to claims 10 and 13–17, the rejection asserts that the frangible sections 22 of King act as the extension of claim 10. However, the claimed extension in the present application calls for features that are not present in the frangible sections 22 of King. Claim 10, and claims 13–17 which depend therefrom, require that the claimed extension extend onto either the inner face or the outer face of the knockout. One example of this claimed feature is extension 48 illustrated in FIG. 8. Extension 48 extends from the inner surface of the housing wall 26 onto the inner face 50, 58 (reference number corrected in this amendment) of knockout 42. As illustrated in FIG. 10, when the exemplary knockout 42 has been removed, the extension remains on the inner face 50, 58 (para. [0057]–[0060] of published application). In contrast, the frangible sections 22 of King are planar with respect to the wall and do not extend onto either the inner or outer face of the knockout and do not remain on the knockout after removal.

As to claims 20, 24 and 29, the rejection contends that the claimed knockout coupler of the present application corresponds to the pull tabs 17 of King and the claimed wall coupler corresponds to the frangible grooves 23 of King. However, contrary to the requirement of claims 20 and 24, King does not disclose that the pull tabs 17 are adapted to connect to the frangible grooves 23. Indeed, it is just the opposite. Nor is there any other structure disclosed in King for connecting the knockout to the wall after removal, as required by claim 29. Rather, the frangible grooves 23 of King only serve to connect a knockout 20 to the walls of the tub box. (See, e.g., King, col. 4, ln. 57–col. 5, ln. 5).

As to claims 30–32, the rejection ignores the fact that these claims require a “fulcrum” to support a lever. King does not disclose a fulcrum disposed adjacent to the edge surface that can support a lever to lift off a lid. Rather, King discloses a lip 40 which overlaps with the edge flange of another housing portion when two housings are mated (see King FIG. 5 and 6), such that the two edge flanges are

engaged. When so engaged, the flanges act as a dam to essentially seal the tub box, and therefore, the lip 40 cannot function as a fulcrum to support the lever in lifting off the lid, as required by claim 30, and claims 31–32 which depend therefrom.

Accordingly, it is respectfully submitted that claims 10, 13–17, 20, 24 and 29–32 are not anticipated by King and are allowable over the relied upon art.

**C. § 103(a) Rejections**

Claims 1–6 and 9 stand rejected as being obvious in view of King '056 and Davis, U.S. Patent No. 4,294,371. The rejection asserts that King teaches the elements of claim 1 except for the inner body ridge, which is disclosed by Davis. Davis discloses a sundae dish having a bottom dish and a cover that are identical, with the rim structure of each dish having a lip 32 and a skirt 50. The rejection further asserts that it would have been obvious to provide the housing of King with the lip of Davis. However, there is no suggestion or motivation to combine the lip of Davis with the housing of King. The two halves of the tub box of King are intended to be permanently bonded together using an adhesive (col. 2, lns. 44–50) and, therefore, the lip 40 of the King housing is used to form an L-shaped pocket for holding the adhesive. Due to the use of adhesive, there is no motivation to have an outer housing ridge to prevent movement. Rather, the adhesive serves to adhere the two halves together and prevent relative movement. In contrast, the valve boxes of claims 1 and 9 are not intended to be permanently sealed together and, therefore, require the structure of the inner and outer ridges to inhibit relative slidable movement.

In addition, the structure of King teaches away from any combination with Davis because an inner housing ridge could interfere with the knockouts of King, and would not allow the tub box of King to function as intended. Further, an inner ridge could also interfere with the nesting capabilities of the tub boxes in King. Therefore, it is not obvious to combine King with Davis.

Claims 7–8 also stand rejected as being obvious in view of King '056 and Davis '371 (as applied to claim 1 above) and Ovadia, U.S. Patent No. 6,029,803. The rejection contends that Ovadia teaches multiple inner and outer first housing ridges and that it would have been obvious to combine the multiple ridges with King and Davis. However, Ovadia discloses inner and outer wall portions with alternating recessed and projecting portions forming a sinusoidal shape, with the inner and outer wall portions being uninterrupted. Claims 7 and 8 require that the two additional ridges be divided into two separate portions, for a total of four ridges that surround four separate portions of the housing. Therefore, the three references do not disclose the limitations of claims 7 and 8.

Claims 11, 12, 18 and 19 stand rejected as being obvious in view of King '056 and Slater, U.S. Patent No. 4,389,535. The rejection asserts that Slater teaches that it is known to provide a knockout with a thickness that is less than the thickness of the wall portion and the extension. To the contrary, Slater does not disclose such a teaching. Slater discloses knockout panels 28 that are attached to the wall by frangible web members that are thin in construction and adapted to be broken; however, Slater does not explicitly disclose that the knockout panels 28 are constructed of a material having a thickness less than the thickness of the surrounding wall. Further, Slater does not disclose an extension that extends from the wall onto either the inner face or outer face of the knockout, wherein the extension has a thickness greater than the thickness of the knockout, as required by claims 11, 12, and 18. Therefore, King and Slater do not disclose the limitations of claims 11, 12, 18, and 19.

Claims 33 and 34 are rejected as being obvious in view of King '056 and Kobilan, U.S. Patent No. 4,872,575. The rejection claims that Kobilan teaches that it is known to provide a gap in a container for inserting a prying tool. Kobilan discloses a small cavity for inserting a smaller prying tool, such as "a screwdriver or other narrow elongated instrument" (col. 6, lns. 40–46). In contrast, claim 33, as amended, requires an arcuate recess that defines the gap. Further, the gap is configured to

correspond generally to the profile of the lever. Claim 34, as amended, requires means for lifting the lid that compliment a profile of the lever. Kobilan neither discloses nor suggests using an arcuate recess or having the means for lifting the lid compliment the lever profile. Therefore, King and Kobilan do not disclose the limitations of claims 33 and 34.

Claims 35, 36, and 40–44 stand rejected as being obvious in view of Gallagher, U.S. patent No. 6,362,419, Olson, U.S. Patent No. 6,460,563, and King '056. The rejection contends that Gallagher discloses the claimed invention except for the lid being planar and except for the knockout. The rejection further claims that the knockout is taught by King and that the planar lid is taught by Olson. However, there is no suggestion or motivation in Gallagher to have a lid of a planar shape because Gallagher discloses a pedestal structure, wherein the base of the structure is installed in the ground and the top half ("lid") of the unit projects above ground and holds the connections (col. 1, lines 12–15). Therefore, the lid of Gallagher must have depth to accommodate the connections and cannot be planar. As a result, it is not obvious to combine the unit of Gallagher with a planar lid.

Further, it is not obvious to combine the lid of Gallagher with the knockout of King. Gallagher discloses that, as an object of the invention, the pedestal structure is designed so as to not be tampered with and to prevent unauthorized access or insertion of foreign objects into the structure. Therefore, Gallagher specifically teaches away from having a knockout that would create an opening in the lid that could thereby allow access to the cavity of the structure or insertion of a foreign object. Therefore, it is not obvious to combine Gallagher, Olson and King.

Claims 37–39 stand rejected as being obvious in view of Gallagher '419, Olson '563, King '056, and further in view of Slater '535. The rejection claims that the modified lid of Gallagher (from the rejection of claim 35 above) discloses the same invention as claims 37–39, except for the relative thicknesses of the knockout, wall portion and extension. The rejection further contends that Slater '535 teaches that it is known to provide these relative thicknesses. However, as discussed above, a

reading of Slater does not disclose such a teaching. Further, and as also discussed above, there is no suggestion or motivation to combine the planar lid of Olson or the knockout of King with the structure of Gallagher, and Gallagher teaches away from such combination. Therefore, claims 37-39 are not obvious in view of Gallagher, Olson, King, and Slater.


**D. Current Allowable Subject Matter**

The indication of allowable subject matter in claims 21-23 and 25-28 is noted with appreciation. In accordance with the Examiner's recommendation, claim 21 has been rewritten in independent form to include the limitations in claim 20 so that it, and claim 22 which depends therefrom, are now in condition for allowance. Claim 23 has also been rewritten in independent form to include the limitations in claim 20 and claims 25 and 26 have been rewritten in independent form to include the limitations of claim 24, so that they are now in condition for allowance.

**IV. CONCLUSION**

In view of the foregoing, Applicants respectfully submit that the application is in condition for allowance and, therefore, respectfully request reconsideration and allowance of this application.

Respectfully submitted.

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**AMENDMENTS TO THE DRAWINGS**

The attached replacement drawing sheets include changes to FIGS. 10 and 16.  
These sheets replace the original sheets for FIGS. 10 and 16.

Attachment:            Replacement Sheets